

EXHIBIT 12

Transcript of Deposition of Passenger Brianna Hayes

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER DELVECCHIA, et al.,
Plaintiffs,

vs.

No.

2:19-cv-0132-KJD-NJK

FRONTIER AIRLINES, INC.,
et al.,

Defendants.

REMOTE VIDEOTAPED DEPOSITION OF BRIANNA HAYES

Roanoke, Virginia

Wednesday, August 31, 2022

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REPORTED BY: DEBRA-LYNN BAKER, RPR, CSR

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3

4 PETER DELVECCHIA, et al.,
5 Plaintiffs,

6 vs.

No.

2:19-cv-0132-KJD-NJK

7 FRONTIER AIRLINES, INC.,
8 et al.,

8

Defendants.

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13 Remote videotaped deposition of
14 BRIANNA HAYES, taken on behalf of Defendant
15 Frontier Airlines, Inc., at Roanoke, Virginia,
16 beginning at 10:10 a.m. and ending at 11:13 a.m.
17 on Wednesday, August 31, 2022, before Debra-Lynn
18 Baker, RPR, CSR, a Notary Public for the
19 Commonwealth of Virginia at Large.

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1 APPEARANCES:

2

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14 Also Present:

15 PETER DelVECCHIA

16

VIDEOGRAPHER:

17

TERRY HARRISON

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25 * Retained by counsel

1 Roanoke, Virginia, Wednesday, August 31, 2022

2 10:10 a.m. - 11:13 a.m.

3

4 THE VIDEOGRAPHER: Good morning.

5 Today is August 31st, 2022. We're on the record.

6 The time is 10:10 a.m. Eastern.

7 Would counsel please state

8 appearances.

9 MR. MAYE: Brian Maye --

10 MR. McKAY: John --

11 MR. MAYE: Go ahead, John.

12 No, go ahead.

13 MR. McKAY: Brian McKay for the

14 plaintiffs, Peter DelVecchia, and his son, A.D.

15 MR. MAYE: Brian Maye for the

16 defendants.

17 THE VIDEOGRAPHER: The reporter can

18 swear the witness.

19 THE REPORTER: All persons present

20 for this remote deposition acknowledge and agree

21 to the following:

22 The reporter is not physically

23 present with the witness, this proceeding is

24 being reported remotely, and that the witness

25 will verbally declare that their testimony is

1 being given truthfully, under penalty of perjury.

2 Counsel, please indicate your
3 agreement by stating your name, and that you
4 consent, on the record.

5 MR. MCKAY: John McKay. I consent.

6 MR. MAYE: Brian Maye. I consent.

7 THE REPORTER: Will the witness state
8 and spell their full name for the record.

9 THE WITNESS: Brianna Hayes,
10 B-r-i-a-n-n-a H-a-y-e-s.

11 THE REPORTER: Will the witness
12 please repeat the following for the record: I
13 declare my testimony is being given truthfully,
14 under penalty of perjury.

15 THE WITNESS: I declare my testimony
16 is being given truthfully, under penalty of
17 perjury.

18 THE REPORTER: Hearing that all
19 parties have agreed on the record, please
20 proceed.

21 /

22 /

23 /

24 /

25 /

1 BRIANNA HAYES,
2 was examined and testified as follows:

3
4 EXAMINATION

5 BY MR. MAYE:

6 Q Good morning, Brianna. Before we
7 start, I just want to go over a few ground rules
8 to make the deposition go a little more smoothly.
9 Because we have a court reporter and
10 she's typing everything we say, it's difficult
11 for her to record everything if we're talking at
12 the same time.

13 So I would ask that you wait until I
14 finish asking my question before you begin to
15 answer it.

16 Is that okay?

17 A (No audible response.)

18 Q Okay. The next rule or piece of
19 guidance is you need to verbalize your answers
20 instead of nodding or shaking your head. So if I
21 ask a question and the question calls for a yes
22 answer, you need to say yes, verbalize it,
23 instead of, you know, nodding your head.

24 Is that under- --

25 A Okay.

1 Q -- -stood?

2 Okay. And also, during the course of
3 this deposition, the attorneys may object to a
4 question, and that's -- that's not unusual, and
5 just wait for the attorney to finish the
6 objection and proceed with your answer, and the
7 judge will figure out the objections later.

8 Is that understood?

9 A Yes.

10 Q Okay. Great.

11 What is your date of birth?

12 A 8-21-94.

13 Q And previously you gave your address.

14 How long have you lived there in the
15 current address?

16 A Since 2018.

17 Q Do you anticipate living there for
18 the next year?

19 A No.

20 Q Will you be moving soon?

21 A Yes.

22 Q Do you know where you'll be moving?

23 A No.

24 Q Okay. And who do you live there
25 currently with?

1 A My children, Imani, Aria, and Kwalik,
2 and Rashaad Wormack.

3 Q And is -- are you married?

4 A No.

5 Q And do you have a significant other
6 or partner?

7 A Yes, it's Rashaad Wormack.

8 Q Okay. What is your highest level of
9 education?

10 A Completed?

11 Q Yes.

12 A High school diploma.

13 Q And what year did you graduate?

14 A 2012.

15 Q And what's the name of the high
16 school?

17 A Patrick Henry High School.

18 Q And have you received any other
19 education or training?

20 A Certified billing and coding
21 specialist. That's it really. I'm in college
22 now.

23 Q And where are you going to college?

24 A Virginia Western Community College.

25 Q And are you currently employed?

1 A Yes.

2 Q Where are you employed?

3 A Wells Fargo.

4 Q And what is the nature of your work?

5 A An escalation specialist.

6 Q And what is your employer's address?

7 A 7711 Plantation Road, Roanoke,
8 Virginia 23019.

9 Q Have you ever served in the military?

10 A No.

11 Q For purposes of today's deposition,
12 when I refer to the flight or the subject flight
13 or that flight, I'm referring to Frontier flight
14 2067, Raleigh-Durham to Las Vegas, that departed
15 on March 28th, 2019.

16 Is that okay?

17 A Yes.

18 Q And is it your understanding that
19 you're here today to discuss that flight?

20 A Yes.

21 Q Were you a passenger on that flight?

22 A Yeah.

23 Q And what was the purpose of your trip
24 to Las Vegas?

25 A Just a small vacation.

1 Q And do you recall approximately what
2 time that flight departed from Raleigh?

3 A No.

4 Q And were you traveling with anyone?

5 A Yes.

6 Q Who were you traveling with?

7 A Rashaad Wormack and Darryl. I forgot
8 his last name, but --

9 Q Okay. And do you recall what seat
10 you were sitting in?

11 A No. I don't, like, remember the
12 number or anything.

13 Q Okay. I'm going to show you what has
14 been marked as Exhibit 1 just to kind of help us
15 out here with seating arrangements.

16 (Hayes Exhibit 1 was marked for
17 identification.)

18 BY MR. MAYE:

19 Q This is a partial seat map for the
20 Airbus 320-200, which is the type of aircraft
21 operated with respect to the subject flight, and
22 I'll represent to you that Frontier's records
23 show that you were assigned to seat 17B.

24 Do you see that seat depicted in the
25 seat map?

1 A Yes.

2 Q Let me -- let's see here.

3 A Yep.

4 Q Okay. I marked it with a green
5 highlighter.

6 Does that sound about right, where
7 you were seated?

8 A Yeah.

9 MR. McKAY: Objection to the form.

10 BY MR. MAYE:

11 Q And were you seated next to anyone in
12 that row?

13 A Yes. Rashaad was on, I guess, 17C,
14 and then there was a woman next to me on 17A. I
15 don't know her.

16 Q Okay. And do you recall if there
17 were any passengers seated across the aisle, D,
18 E, and F?

19 A I really don't remember.

20 Q Okay. You don't remember seeing any
21 passengers seated across the aisle?

22 A Yeah. I just don't remember if they
23 were or not.

24 Q Oh, okay. And at some point during
25 the flight did you notice any activity involving

1 the flight attendant and other passengers across
2 the aisle or in your area?

3 MR. McKAY: Objection to the form of
4 the question. She said she doesn't remember
5 anybody across the aisle.

6 MR. MAYE: Okay. Thanks, John. No
7 speaking objections.

8 Thank you.

9 Q You can answer, Brianna.

10 A Okay. So I remember I woke up and,
11 like, I guess he was a flight attendant, and they
12 took the little boy from the man and then -- then
13 they took him to the back of the plane, but --

14 Q And do you -- could you describe or
15 do you recall what the flight attendant looked
16 like?

17 A I honestly don't remember.

18 Q Do you recall if he was a male or
19 female -- I'm sorry, do you recall if the flight
20 attendant was a male or female?

21 A Not really. I don't remember.

22 Q Okay. In -- in the flight
23 attendant's interaction with the child and the --
24 and the adult, did you observe the flight
25 attendant act inappropriate in any way?

1 MR. McKAY: Objection to the form.

2 THE WITNESS: What do you mean,
3 inappropriate?

4 BY MR. MAYE:

5 Q When you -- when you saw what was
6 happening with the flight attendant escorting the
7 child down the aisle, did the -- did you see the
8 flight attendant do anything wrong, in your mind?

9 MR. McKAY: Objection to the form.

10 THE WITNESS: I really didn't know
11 the situation, but they wasn't rough with the
12 child or anything like that. They just moved the
13 child from where he was.

14 BY MR. MAYE:

15 Q Okay. Did the flight attendant use
16 any physical force to move the child to the back
17 of the aircraft?

18 MR. McKAY: Objection to the form.

19 THE WITNESS: What do you mean,
20 physical force? Like pushing the child or just
21 like --

22 BY MR. MAYE:

23 Q Yeah.

24 A -- you know, grabbing their hand and
25 going?

1 Q Yeah. Pushing the child, being
2 aggressive with him.

3 A No, they wasn't aggressive with the
4 child.

5 Q Did you think the flight attendant
6 acted in a professional manner?

7 MR. McKAY: Objection to the form.

8 THE WITNESS: I don't really know
9 what the situation was, but I guess they did,
10 based on what I heard.

11 BY MR. MAYE:

12 Q And shortly before the child exited
13 the row, did you observe the flight attendant
14 strike the gentleman that was involved?

15 A No.

16 MR. McKAY: Objection to the form.

17 BY MR. MAYE:

18 Q You didn't see anyone strike the
19 gentleman in the -- in the head?

20 MR. McKAY: Objection to the form.

21 BY MR. MAYE:

22 Q You can go ahead and answer.

23 A No.

24 Q And were you awake during the
25 duration of the flight?

1 A I fell asleep probably like 10
2 minutes, 20 minutes.

3 Q And when the child was being moved to
4 the back of the aircraft, were you awake and
5 aware of what was going on, what -- aware of your
6 surroundings?

7 A Yes, I was -- I was awake. That's
8 kind of what woke me up, the commotion that was
9 going on.

10 Q And prior to the child exiting the
11 row, did you hear any yells or grunts from the
12 gentleman that was seated with the child?

13 MR. McKAY: Objection to the form.

14 THE WITNESS: Yes.

15 BY MR. MAYE:

16 Q And -- and what was -- what were
17 the -- so you heard the gentleman yell?

18 A He was like, "That's my son."

19 Q Okay. And before that, before he
20 said that, did you hear him make any yells or
21 grunts prior to that?

22 A No.

23 Q So when the child was being escorted,
24 the gentleman said, "That's my son"?

25 A Yeah. He was like, you know, "That's

1 my son. You can't take him back there."

2 Q And do you recall what the gentleman
3 looked like?

4 A It was a Caucasian male. He had some
5 glasses on, I think.

6 Q Okay. And there's a gentleman that's
7 on the screen. It say, "Peter DelVecchia."

8 Does that look like the gentleman
9 that was involved?

10 A Yeah.

11 MR. McKAY: Brian, may I ask that if
12 you're not going to use this exhibit anymore,
13 that you take it down?

14 MR. MAYE: Sure.

15 MR. McKAY: Thanks.

16 MR. MAYE: Yeah.

17 Q Around this time did you hear the
18 gentleman involved indicate that he was punched
19 in the head?

20 A No.

21 Q Did you hear any noise that would
22 indicate that someone was punched in the head?

23 MR. McKAY: Objection to the form.

24 THE WITNESS: No.

25 BY MR. MAYE:

1 Q Did you hear the gentleman involved
2 or the father say to anyone that he was punched
3 in the head?

4 MR. McKAY: Objection to the form.

5 THE WITNESS: No. No.

6 BY MR. MAYE:

7 Q Okay. After the child was escorted
8 to the back of the aircraft, did you observe the
9 father at all?

10 A Yes.

11 Q Did he look like he was just punched
12 in the -- in the head?

13 MR. McKAY: Objection to the form.

14 THE WITNESS: No.

15 BY MR. MAYE:

16 Q Did he act in a way that indicated
17 that he was just violent- -- violently struck in
18 the head?

19 MR. McKAY: Objection to the form.

20 THE WITNESS: No.

21 BY MR. MAYE:

22 Q After the child was escorted to the
23 back of the aircraft, did you see the father
24 retake his seat?

25 A Yeah, he was seated.

1 Q And did you observe his activity at
2 all or his demeanor?

3 A Yes.

4 Q And can you explain what you
5 observed?

6 A In my opinion, he was acting nervous
7 or like -- he, like, got a pill and took a pill,
8 and then he, like, got a magazine and, like,
9 ripped the address off of it. I don't know. He
10 was just acting weird.

11 Q Prior to the child moving to the
12 back, did you see the father ever touch or rub
13 the child's crotch area?

14 A No.

15 Q And prior to the child moving back to
16 the aircraft, did you see the father rub any part
17 of the child's body?

18 A No.

19 Q Did you see the father rub the
20 child's face at all?

21 A No.

22 Q Did you see the father, during the
23 course of the flight, rub the child's back at
24 all?

25 A No.

1 Q Do you recall speaking with an
2 attorney from our office probably a year ago,
3 named Tara Shelke, about this?

4 A Not really.

5 Q Okay. Do you recall telling her that
6 you observed the father --

7 MR. McKAY: Objection to the --
8 Brian, you can't do this.

9 MR. MAYE: Yes, I can, John. John --
10 John, no speaking objections, please.

11 MR. McKAY: I understand the rule.

12 MR. MAYE: Okay. Okay.

13 MR. McKAY: You can't testify, Brian.

14 MR. MAYE: John, no speaking
15 objections.

16 Q Do you recall telling Ms. Shelke that
17 you observed the father rubbing the child's face
18 during the flight?

19 MR. McKAY: Objection and motion to
20 strike.

21 THE WITNESS: No.

22 BY MR. MAYE:

23 Q Okay. Do you recall telling
24 Ms. Shelke that you observed the father rubbing
25 the child's back?

1 MR. McKAY: Objection and motion to
2 strike.

3 THE WITNESS: That may be true, like
4 rubbing his back, like when they're sitting down,
5 but I don't -- I don't recall him rubbing the
6 crotch at all, but it's possible that he did rub
7 the back like -- yes.

8 BY MR. MAYE:

9 Q Okay. And I am just asking if that
10 conversation with Ms. Shelke refreshes your
11 recollection at all.

12 MR. McKAY: Objection. Motion to
13 strike.

14 BY MR. MAYE:

15 Q Does it refresh your recollection at
16 all regarding whether or not you observed the
17 father rubbing the child's back?

18 MR. McKAY: That's not how you
19 refresh recollection, Brian.

20 MR. MAYE: John -- John, can you just
21 stop?

22 MR. McKAY: I -- I have to advocate
23 for my client, Brian.

24 MR. MAYE: No. You can stop with the
25 speaking objections.

1 MR. McKAY: -- improper, we can't do
2 that.

3 MR. MAYE: You can stop with the
4 speaking objections, John.

5 MR. McKAY: Well, it doesn't fit
6 within form of the question. I'm sorry.

7 MR. MAYE: Okay, John. You can
8 say -- you can say your object- -- your objection
9 to the form --

10 MR. McKAY: I know how to practice
11 law.

12 MR. MAYE: -- and that's it.

13 MR. McKAY: Thank you. Thank you,
14 Mr. Maye. I do know how to practice law.

15 MR. MAYE: Okay.

16 MR. McKAY: I've been doing it longer
17 than you have.

18 BY MR. MAYE:

19 Q So, Ms. Hayes, does that refresh your
20 recollection at all?

21 A Yeah. I kind of remember the
22 conversation. It's -- I kind of remember saying,
23 you know, he maybe rubbed the back, but not like
24 the crotch area or anything like that.

25 Q Understand. Understand. And do you

1 recall seeing the father rubbing the child's face
2 at all?

3 MR. McKAY: Objection; asked and
4 answered.

5 THE WITNESS: No. He may have did
6 that. I don't remember.

7 BY MR. MAYE:

8 Q Okay. Did anyone talk to you at all,
9 any other passenger talk to you at all about the
10 child being escorted to the back of the aircraft?

11 A Yes.

12 Q And who was that?

13 A Rashaad and then the woman next to
14 me. I don't remember her name.

15 Q And what did Rashaad say to you?

16 A Just saying that, you know, they were
17 taking the son or the little boy back to the back
18 of the airline, and that was it. He was just
19 talking about the situation.

20 Q Did Rashaad ever say to you that he
21 saw the flight attendant strike the father in the
22 head?

23 A No.

24 MR. McKAY: Objection to the form.

25 BY MR. MAYE:

1 Q And did the passenger in the window
2 seat ever say she saw a flight attendant strike
3 the father in the head?

4 A No.

5 Q When the child was walking to the
6 back of the aircraft, did you observe his
7 demeanor, his -- what he was acting like?

8 A I just -- I looked at him walk, and I
9 seen him.

10 Q Was he -- was he crying, was he upset
11 at all, or was he acting normally?

12 A He was just quiet. He was just
13 following direction.

14 Q Okay. After the child had been moved
15 to the back of the aircraft, did you ever use the
16 lavatory in the back of the aircraft?

17 A Yeah.

18 Q And do you recall seeing the child
19 seated in the back of the aircraft?

20 A Yeah.

21 Q And was the child crying at all?

22 A No.

23 Q Or upset at all?

24 MR. McKAY: Objection to the form.

25 THE WITNESS: Not in my opinion.

1 BY MR. MAYE:

2 Q Did you see any signs that he was in
3 distress?

4 MR. McKAY: Objection to the form.

5 THE WITNESS: No.

6 BY MR. MAYE:

7 Q And do you recall what he was doing
8 when you saw him in the back?

9 A I believe he was playing with a
10 tablet.

11 Q Okay. In observing the child, would
12 you say that he was being imprisoned or confined
13 in the seat in the back --

14 MR. McKAY: Objection to the form.

15 BY MR. MAYE:

16 Q -- of the aircraft?

17 MR. McKAY: Sorry, Brian.

18 Objection to the form.

19 THE WITNESS: No.

20 BY MR. MAYE:

21 Q Did you ever see the child being
22 sexually assaulted by a flight attendant?

23 MR. McKAY: Objection --

24 THE WITNESS: No.

25 MR. McKAY: -- to the form.

1 BY MR. MAYE:

2 Q At the time that the flight attendant
3 was moving the child to the back of the aircraft,
4 did any actions taken by the flight attendant
5 lead you to think that the child was being moved
6 because of racism?

7 MR. McKAY: Objection to the form.

8 THE WITNESS: No.

9 MR. McKAY: Motion to strike.

10 BY MR. MAYE:

11 Q And at the time the child was being
12 moved, did you hear a flight attendant say
13 anything that would -- that would lead you to
14 believe that the child was being moved because of
15 racism?

16 MR. McKAY: Objection to the form.

17 THE WITNESS: No.

18 MR. McKAY: Motion to strike.

19 BY MR. MAYE:

20 Q Did you ever see the father go back
21 to the back of the aircraft after the child was
22 moved?

23 A He attempted to.

24 Q Did he ultimately get back there?

25 A No. They asked him to go back to his

1 seat, like, before he got all the way back there.

2 Q Okay. And when he went back to the
3 aft of the aircraft, did you hear any
4 conversation between a flight attendant and the
5 father?

6 A No.

7 Q When the father was in the rear of
8 the aircraft, did you hear any shouting or
9 yelling between the flight attendant and the
10 father?

11 MR. McKAY: Objection to the form.

12 THE REPORTER: I'm sorry, what was
13 the answer? I couldn't hear.

14 THE WITNESS: I don't remember.

15 BY MR. MAYE:

16 Q When the flight landed, do you recall
17 observing the father exiting or deplaning the
18 aircraft?

19 A Yeah.

20 Q And did the father exit around the
21 same time that you exited?

22 A He got off last. If I remember
23 correctly, they made, like, everybody else get
24 off first, and then they escorted him off.

25 Q Escorted the child or the father?

1 A Father.

2 Q And when the father exited the
3 aircraft, did you hear any flight attendant say
4 anything to the father?

5 A No.

6 Q Did you see the child exit the
7 aircraft?

8 A I don't remember.

9 Q Did you see law enforcement at the
10 gate area after you deplaned?

11 A Yes.

12 Q And did you know why they were there?

13 A I assumed for the father.

14 Q Why did you assume that?

15 A Because they were waiting at the end
16 of our flight and, you know, they removed the
17 child. I figured there was some type of
18 situation going on.

19 Q Did you hear anything said between
20 the father and law enforcement?

21 A No.

22 Q At any point while you were on the
23 aircraft did you see any member of the flight
24 crew mistreat the father?

25 MR. McKAY: Objection to the form.

1 THE WITNESS: No.

2 BY MR. MAYE:

3 Q And during any point during the
4 flight did you ever see the flight crew mistreat
5 the child?

6 A No.

7 MR. McKAY: Objection to the form.

8 THE WITNESS: No.

9 BY MR. MAYE:

10 Q Did you ever see any of the flight
11 attendants act with hostility or anger toward the
12 father or the child?

13 A No.

14 Q Did you ever see any member of the
15 flight crew do anything toward the father or the
16 child that you would characterize as outrageous?

17 MR. McKAY: Objection to the form.

18 THE WITNESS: No.

19 BY MR. MAYE:

20 Q Did you ever have the impression that
21 any crew member acted improperly toward the
22 father or the child?

23 MR. McKAY: Objection to the form.

24 THE WITNESS: No.

25 BY MR. MAYE:

1 Q Did it appear to you that the flight
2 crew was acting out of concern for the safety of
3 the child?

4 MR. McKAY: Objection to the form.

5 THE WITNESS: Yes.

6 BY MR. MAYE:

7 Q And based on your observations of
8 the -- of the flight crew's conduct during the
9 flight, did it appear that the flight crew was
10 ever motivated -- in their treatment of the
11 father and child ever motivated by racism?

12 MR. McKAY: Objection to the form.

13 THE WITNESS: No.

14 MR. McKAY: Motion to strike.

15 BY MR. MAYE:

16 Q Well, thank you very much, Brianna.
17 I appreciate your -- your being here and your
18 cooperation.

19 A No problem.

20

21 EXAMINATION

22 BY MR. McKAY:

23 Q Good morning, Ms. Hayes. My name's
24 John McKay. I represent Peter DelVecchia and his
25 son, his son being the child that you have

1 testified about before.

2 A Yeah.

3 Q How are you this morning?

4 A Good.

5 How are you?

6 Q I'm fine. Thanks.

7 How long have you lived in Roanoke?

8 A In Roanoke? Since like 2008 maybe.

9 Q Okay. And are you a Virginian by
10 birth or --

11 A No. I'm from Washington, D.C.

12 Q Okay. All right. Did you move to
13 Roanoke for school?

14 A No. My mom moved down here to be
15 with her mom before she passed away.

16 Q Okay. Okay. Well, I am sorry for
17 your loss.

18 So on this flight, I am just curious,
19 that's a long distance to go down to
20 Raleigh-Durham.

21 Why were you flying out of
22 Raleigh-Durham?

23 A It was cheaper.

24 Q Okay. All right. So on the evening
25 of the flight, did you all drive down to -- to

1 Raleigh-Durham?

2 A Yeah.

3 Q Okay. Who drove?

4 A I did.

5 Q Okay. And was Mr. Wormack also in
6 the car?

7 A Yes.

8 Q And Darryl?

9 A Yep.

10 Q And is Darryl a friend of both of
11 yours or just of Mr. Wormack?

12 A Well, he's both our friend now.

13 Q Okay. Was this the first time that
14 you had met Darryl?

15 A No. He's his coworker. We hung out
16 before.

17 Q Okay. And -- and where does he work?

18 A At the time, they were working at
19 Smokey Bones.

20 Q Smokey Bones?

21 A Yeah. It's a restaurant.

22 Q Okay.

23 A Like with ribs and stuff.

24 Q Okay. So where does Darryl work now?

25 A I'm not sure. I think he works at

1 Hotel Roanoke.

2 Q Okay. I've been there. Nice place.

3 A Yeah.

4 Q All right. So -- and you don't know
5 Darryl's last name?

6 A I can't think of it right now. I
7 know it, I just can't think of it right now.

8 Q Do you know if he has -- does he go
9 by any other name than Darryl, does he have a
10 legal name that's different?

11 A No. I know his gamer tag, but I
12 don't know --

13 Q Okay. What's that?

14 A Like Thots- -- Thotsmcgrober or
15 something.

16 Q So how do you spell that?

17 A T-h-o-t-s-m-c-g-r-o-b-e-r. I can't
18 think of his name right now. I don't know.
19 Rashaad would know.

20 Q Rashaad would know?

21 A Yeah.

22 Q Okay. Now, Rashaad was also
23 subpoenaed for a deposition, wasn't he?

24 A Yeah. He was supposed to call. I
25 don't know if he called yet or -- did he call?

1 Q I don't think so. We certainly
2 haven't had his deposition.

3 A I'll get him to do it.

4 Q Okay. And you were set up for a
5 deposition last week, right?

6 A Yeah.

7 Q And -- and how come you didn't show
8 up for that?

9 A My daughter's school called and said
10 that she was not at school when I know that for a
11 fact that I dropped her off at school, so I had
12 to go up there and so they can find her,
13 basically. She was in class.

14 Q She was what? I'm sorry.

15 A In class.

16 Q Okay. Well, that -- that's
17 frightening.

18 A Yeah.

19 Q All right. All right. Now, have you
20 ever been convicted of a crime?

21 A Yeah.

22 Q Okay. And -- and when was that?

23 A 2000 and, maybe, '18. I don't know.
24 It was like driving my car with my tags from my
25 other car.

1 Q Oh.

2 A But I didn't know that was illegal.
3 And also, I went to DMV -- it was just a mixup,
4 basically. I went to DMV to get my title turned
5 over. The person I bought it from put a million
6 on it, so I couldn't get it switched over. It
7 was just a lot of stuff, but it was nothing like,
8 you know, I did anything really, you know --

9 Q Okay.

10 A -- violent or anything.

11 Q But you were convicted of a crime for
12 that?

13 A Yeah. It was a misdemeanor. I had
14 to pay a fine for a hundred dollars.

15 Q Okay. Have -- have there been any
16 other occasions when you have been convicted of a
17 crime?

18 A No. I don't think so.

19 Q You don't think so. Okay. What is
20 your social security number?

21 A 579- --

22 MR. MAYE: Oh, I -- John, I don't
23 know if that's appropriate.

24 THE WITNESS: Oh.

25 MR. McKAY: It actually is, Brian.

1 Q Go ahead.

2 MR. MAYE: I'm not her attorney, so

3 I -- I --

4 MR. McKAY: It -- it will be redacted

5 if it -- if the deposition transcript or any

6 portion of it is filed in the public record, as

7 is required by the rule, but there is nothing

8 inappropriate about asking the number.

9 MR. MAYE: I'm not her attorney, so

10 I -- I can't advise her, so --

11 THE WITNESS: Well, I'm not

12 comfortable saying it anymore, but it ends 4944.

13 BY MR. McKAY:

14 Q 4944. Okay. And what are the two

15 numbers in the middle?

16 A I'm not giving them to you.

17 Q Okay. Do you want to give them off

18 the record?

19 A I don't want to do it at all now,

20 because he's saying no. That kind of -- yeah, I

21 don't want to do it.

22 Q All right. Well, he's -- he's not

23 your attorney, but you're uncomfortable giving

24 your number so that we can just verify the

25 information that you have given?

1 A You can -- I don't know. I'm just
2 uncomfortable doing it now.

3 Q Okay. Because Mr. Maye raised the
4 concern?

5 A I guess, yeah.

6 Q Okay. And Mr. Maye also told you
7 where you were sitting on the plane, right?

8 A He showed me a photo. Yes.

9 Q And you didn't -- prior to that, you
10 didn't remember where you were sitting, right?

11 A I said I don't remember the seat
12 number. I remember that I was in the middle
13 seat, Rashaad was on the end, and a lady was in
14 the window seat.

15 Q You remember that part?

16 A Yeah.

17 Q But you don't remember what row it
18 was?

19 A No, I don't, but I can just pull up
20 my ticket if you want to confirm.

21 Q Well, it doesn't matter to me. I'm
22 just asking you your recollection as you sit here
23 today.

24 A Well, yeah, I don't remember the seat
25 number. No, I don't.

1 Q Okay. And you don't remember whether
2 there was anybody seated across from you?

3 A I don't remember who was seated
4 across from me. No, I don't.

5 Q Okay. Now, you said that you fell
6 asleep until there was some commotion that woke
7 you up, is that accurate?

8 A Correct.

9 Q Okay. So what you do recall is
10 falling asleep, waking up because of a commotion,
11 the commotion involved taking a child out of his
12 seat and taking him to the back of the plane, and
13 that was done by a flight attendant, you remember
14 all that part?

15 A Yep.

16 Q Okay. And when you woke up, do you
17 remember if it was -- if the plane cabin was dark
18 or light?

19 A No.

20 Q Do you remember how many flight
21 attendants were attending to the child or were
22 near the child at the time of the commotion?

23 A No.

24 Q Do you remember seeing whether
25 anybody was up front in the cabin of the airplane

1 at the time?

2 A No.

3 Q Okay. Could there have been people
4 up there in the front galley?

5 A I guess it's possible.

6 Q Okay. It's just you didn't -- you
7 didn't look?

8 A I don't recall.

9 Q Okay. And in the middle seat, you
10 would have had to look over Rashaad to -- to see
11 anything in the aisle, right?

12 A No, not really. I just would look to
13 the right.

14 Q I know, but to the right, Rashaad was
15 sitting to the right, correct?

16 A Yes. In a seat right where my level
17 is. So if you turn, you can see right into the
18 aisle. I don't have to lean up or lean back or
19 anything like that.

20 Q Right. But you couldn't see through
21 Rashaad, right?

22 A Right. But I can see right next to
23 me.

24 Q I've got you. All right. We've --
25 we've all been in middle seats.

1 So you -- you had Rashaad sitting
2 next to you.

3 How big is Rashaad?

4 A He's skinny. He's not big at all.

5 Q Okay. All right.

6 MR. MAYE: Easy to -- easy to see
7 past.

8 BY MR. MCKAY:

9 Q Well, he's not --

10 A Yeah.

11 Q He's not transparent, I assume.

12 A He's not fat, so I wouldn't have to
13 look around him.

14 Q Gotcha. All right. But, still, he's
15 seated in the seat, he's occupying the seat to
16 your right --

17 A Right.

18 Q -- correct?

19 Okay.

20 A Correct.

21 Q All right. Now, what woke you up?

22 A Again, I heard some commotion --

23 Q All right.

24 A -- people moving around.

25 Rashaad kind of nudged me to see

1 what --

2 Q He did?

3 A Yeah.

4 Q So Rashaad noticed something going on
5 as well?

6 A Yeah, but -- yeah. We all did.

7 Q Okay. All right. And -- oh, you all
8 did, so the lady next to you as well?

9 A Yeah.

10 Q Did you talk to her at all?

11 Did you talk --

12 A Yeah.

13 Q -- to her at all?

14 Okay. And -- and did you talk to her
15 about the commotion?

16 A Yeah.

17 Q All right. And do you remember what
18 she was saying about the commotion?

19 A They were moving a little boy, wonder
20 why they moved -- move a little boy, what's going
21 on, stuff like that.

22 Q Okay. Speaking of wonder why and
23 what's going on, do you remember the dad standing
24 up and asking people in your row what had
25 happened?

1 A Yeah. He was like what's going on,
2 why did they take him.

3 Q Okay. And --

4 A We don't know.

5 Q And that's what you said, was we
6 don't know?

7 A Yeah.

8 Q Was that you who said that or
9 somebody else?

10 A I said, "I don't know."

11 Q Okay. So you didn't know why the --
12 the boy was taken?

13 A No.

14 Q And that was right at the time it was
15 done, you didn't know why he was taken?

16 A Correct.

17 Q Okay. So you didn't know anything
18 about the circumstances?

19 A No.

20 Q Okay.

21 A I didn't --

22 Q So --

23 A -- know then.

24 Q So in response to Mr. Maye's
25 questions, when he asked you about things about

1 characterizing what was going on, you didn't have
2 any basis on which to characterize it, did you?

3 A What do you mean?

4 Q Well, I mean, you didn't know
5 anything about the circumstances going on, so you
6 really couldn't characterize whether it was
7 appropriate or outrageous or racist or anything
8 like that, right?

9 MR. MAYE: Object to form.

10 THE WITNESS: It didn't look like it
11 to me.

12 BY MR. MCKAY:

13 Q But you didn't have any background as
14 to what had been going on preceding that, do you?

15 MR. MAYE: Object to form.

16 THE WITNESS: No. But, again, it
17 didn't look like racism. I didn't think it was
18 outrageous. They didn't slam him on the ground,
19 they didn't yank the little boy up.

20 BY MR. MCKAY:

21 Q Okay.

22 A It was very --

23 Q They didn't shoot him --

24 A -- civilized.

25 Q They didn't shoot him, right?

1 A Right.

2 Q Right. Okay.

3 A It was civilized.

4 Q Okay. It was civilized?

5 A Yeah. It wasn't like, "Get your butt
6 up here" or "Excuse me, sir," or "I'm gonna
7 arrest you," you know, something like that.

8 Q And you think that things like that
9 would have to occur in order for it to be racism?

10 MR. MAYE: Object to form.

11 THE WITNESS: No. For it to be
12 outrageous.

13 BY MR. MCKAY:

14 Q Oh, for it to be outrageous. Okay.
15 All right. If you were in a plane and somebody
16 came and smacked you in the back of the head,
17 would you consider that outrageous?

18 A Yeah.

19 MR. MAYE: Object to form.

20 BY MR. MCKAY:

21 Q Okay. And if somebody separated you
22 from your traveling companion because your
23 traveling companion was of a different color of
24 skin, would that be considered racism to you?

25 MR. MAYE: Object to form.

1 THE WITNESS: Yes.

2 But was that the situation?

3 BY MR. MCKAY:

4 Q Well, you don't know, do you?

5 A Right.

6 Q Right. Okay. So it's not
7 appropriate for you to make characterizations
8 about situations that you don't have the facts
9 on, right?

10 MR. MAYE: Object to form.

11 THE WITNESS: No, I observed, and I
12 made my comment, that's it, and my opinion.

13 BY MR. MCKAY:

14 Q Got you. But you were asleep until
15 the commotion, right?

16 A Not the whole flight. Again, I said
17 I was asleep for about 10, 20 minutes.

18 Q Okay.

19 A So I -- I seen them get on the plane,
20 I was woke --

21 Q All right.

22 A -- you know, during most of the --
23 the flight.

24 After that happened, I was woke
25 during the rest of the time, because I didn't

1 know what was gonna happen afterwards.

2 Q When you saw them on the flight
3 before you went to sleep, did they just -- did
4 they look like a normal dad and kid to you?

5 A No.

6 Q No?

7 A No.

8 Q Why is that?

9 A Because he's an African little boy
10 and a Caucasian male. That's just something you
11 don't see every day, so I didn't think it was a
12 dad and a son.

13 Q Because they were of different
14 colors?

15 A Yeah.

16 Q Okay. Have you ever heard of people
17 of different colors adopting people of different
18 colors?

19 A Of course.

20 Q Of course. So why didn't you just
21 assume that this was a dad and his adopted son?

22 A Because like I said, that man was
23 acting weird.

24 Q Well, you said he was acting weird
25 after the commotion.

1 A He was acting weird before. You
2 didn't ask me if he was acting weird before. He
3 was acting weird when he got on. He just --

4 Q All right.

5 A -- acted weird.

6 Q In what way was he acting weird, in
7 your opinion?

8 A He was nervous. He was acting like
9 something was wrong. He was nervous, looking
10 around a lot, fidgeting a lot, but that could
11 have just been him. He could have just been that
12 type of person. He pops the pills and, you know,
13 stuff like that, so I don't know.

14 Q Some people don't like to fly, right?

15 A Right.

16 Q Right. So some people who don't like
17 to fly might look nervous on a flight, right?

18 A Yeah, but other situ- -- other like
19 circumstances gonna lead me to think something
20 else.

21 Q Well, other than his acting fidgety,
22 did you see anything that caused you to say that
23 he was acting weird?

24 A Fidgety, looking around like he was
25 nervous.

1 Q That -- we've already covered that.
2 He could have been nervous because he was flying.
3 Was there anything else?

4 MR. MAYE: Object to form.

5 THE WITNESS: I already -- I told you
6 what I thought. I'm confused what you're asking
7 me.

8 BY MR. MCKAY:

9 Q Okay. I'm asking you about before
10 the commotion and why were you observing these --
11 this dad and his son?

12 A Because he was on the plane, and he
13 was walking back, and I was already seated. So I
14 observed mostly everybody who was on the plane.

15 Q Were you observing anybody else on
16 the plane?

17 A Yeah. I observed the old lady, I
18 observed the lady that was next to me, I observed
19 the people in the back that was having a good
20 time drinking. I observed -- I'm on a plane.
21 I'm observing everyone.

22 Q Right. And there's like 150 people
23 on the plane, right?

24 A Right.

25 Q So you weren't watching everybody all

1 the time, were you?

2 A Right. But he was right there.

3 Q Okay. And so you saw that he was
4 fidgety, and you're talking about the dad or the
5 son?

6 A The dad. The -- the son, he was just
7 looking at the tablet, and that was basically --
8 that's all I remember about the little boy. He
9 was just focused on the tablet.

10 Q So you remember the little boy for
11 the -- basically every time you saw him on the
12 flight, he was focused on his tablet that he had
13 with him?

14 A Yeah, I guess.

15 Q Okay. And when you say "tablet," in
16 this day and age, we're talking about like an
17 iPad?

18 A I don't know what kind of tablet it
19 was, but yeah, like one of those little devices.

20 Q Like an electronic tablet?

21 A Yeah.

22 Q Okay. And you're positive that you
23 saw him with his electronic tablet?

24 A Yeah.

25 Q Could you see what he was doing on

1 it? Was he gaming or did he --

2 A No, I couldn't see what he was doing.

3 Q You couldn't. Okay. And so when you
4 looked over during the commotion, did you see him
5 with the tablet in his hands?

6 A I don't really remember.

7 Q Was it a white tablet or a different
8 color?

9 A I don't remember.

10 Q Big, little?

11 A What do you mean, big or little?

12 Q I mean was it --

13 A Oh.

14 Q Was it like a phone-size tablet, or
15 was it like about the size of a magazine?

16 A I don't remember.

17 Q You don't remember the size of the
18 tablet you saw?

19 A No.

20 MR. MAYE: Object to form.

21 BY MR. MCKAY:

22 Q All right. So when you saw him in
23 the back of the plane on his tablet, do you
24 remember then how big it was?

25 A No. I wasn't looking at the size. I

1 don't remember.

2 Q Okay. And, in fact, you didn't just
3 stand there and stare at him, did you, for --

4 A Right.

5 Q -- a length of time?

6 A No.

7 Q You were just walking past going to
8 the restroom?

9 A Yeah.

10 Q Okay. So you just glanced for a
11 second?

12 A Yeah. I was being nosy. I looked to
13 see what was happening.

14 Q Okay. So for that little second you
15 didn't notice him crying, right?

16 A No.

17 Q Okay.

18 A He didn't cry at all.

19 Q Well, now, if you say he didn't cry
20 at all, then we are going to wonder how long you
21 were watching him, because you just said that
22 you --

23 A He wasn't crying when they -- he
24 asked me was he crying when they took him. He
25 wasn't like, "Oh, no, Daddy, don't take" --

1 "don't let them take me." He didn't say anything
2 like that. He was quiet and kept going.

3 When he was in the back, I didn't
4 hear any boo-hoo crying back there from the
5 plane. I could hear the people in the back
6 drinking, you know, and they were ha-ha laughing,
7 so I could definitely hear if he was in tears,
8 crying. We didn't hear that. I -- well, I
9 didn't hear that.

10 Q You think that if you were, in fact,
11 as Mr. Maye has instructed you, that you were in
12 row 17, you think you would have heard someone in
13 row 30 crying?

14 A If he was in tears, crying, like "I
15 want my Daddy," I would be able to hear them
16 because, again, I heard the people back there
17 drinking, and they were laughing and, you know,
18 hoorahing around. So if I can hear them all the
19 way in the back near the bathroom, I should be
20 able to hear him as well.

21 Q You -- if you could hear people
22 shouting, you could also hear --

23 A I didn't say that -- I didn't say
24 they were shouting; I said they were laughing.

25 Q You --

1 A Go ahead.

2 Q You fly a lot?

3 A No.

4 Q Okay. But you do understand that --
5 that the airliners have jet engines that make
6 them go through the sky, right?

7 A Okay.

8 Q And those engines are pretty loud,
9 right?

10 A Okay.

11 Q So being able to hear somebody
12 sobbing 13 or 14 or 15 rows away would be kind of
13 difficult over a jet engine, wouldn't it?

14 A Was he silently crying?

15 MR. MAYE: Object to form.

16 THE WITNESS: Was he silently crying?

17 BY MR. MCKAY:

18 Q Yeah. Was he silently crying, do you
19 know?

20 A I don't know. That's what I'm
21 asking.

22 Q Okay.

23 A I didn't hear him crying, I didn't
24 see him crying. That's what I said.

25 Q Right. But -- okay. So what you're

1 saying is you didn't hear him 13 rows away crying
2 over the people who were partying?

3 A I never heard him crying. He didn't
4 cry when they took him away, he didn't cry when I
5 walked past him back there. He didn't look like
6 his eyes were puffy, he didn't look like he had
7 been crying, so no, I did not see the little boy
8 crying.

9 Q Were the lights down when you went to
10 the restroom?

11 A I don't recall, but I seen the little
12 boy.

13 Q Yeah. But are you saying that the
14 lights were up high enough for you to see whether
15 his eyes were puffy?

16 A Yeah.

17 Q You think they were when you --

18 A Yeah.

19 Q -- went to the restroom?

20 A Yeah.

21 Q All right. You don't think that the
22 lights were down -- were dimmed?

23 A No, I don't.

24 Q The --

25 A I don't think that they were dim

1 enough where I couldn't see anything. It wasn't
2 pitch black. I can see. I have 20/20 vision.

3 Q No, I didn't -- I didn't mean to
4 suggest that you couldn't see anything, but I'm
5 talking about details.

6 Weren't the -- weren't the lights
7 kind of dim?

8 A Yeah. But, again, I would be able to
9 see his full face. It's not pitch black, so I
10 could see.

11 Q And how about the man who seated next
12 to him?

13 A The man seated --

14 MR. MAYE: Object to form.

15 THE WITNESS: What about him? He
16 wasn't crying either.

17 BY MR. McKAY:

18 Q He wasn't crying either, and he was
19 seated right next to him?

20 MR. MAYE: Object to form.

21 THE WITNESS: I don't remember.

22 BY MR. McKAY:

23 Q What about the woman -- what about
24 the woman seated next to him in the aisle, in the
25 aisle seat?

1 MR. MAYE: Object to form.

2 THE WITNESS: I don't recall. I
3 wasn't paying attention to them. I was just
4 looking at the little boy.

5 BY MR. MCKAY:

6 Q Was she a white woman or a black
7 woman?

8 MR. MAYE: Object to form.

9 BY MR. MCKAY:

10 Q I'm sorry?

11 A I don't recall.

12 Q Okay. Was she talking to him?

13 MR. MAYE: Object to form.

14 THE WITNESS: I don't recall.

15 BY MR. MCKAY:

16 Q Okay. And the man next to him, was
17 that a white man or a black man?

18 A I don't recall.

19 Q Okay. Was it one of the flight
20 attendants?

21 A I don't recall.

22 Q Okay. You don't recall anything
23 about that?

24 A No.

25 Q Okay. Because you were just passing

1 by to go to the restroom?

2 A Correct.

3 Q Okay. How many times did you speak
4 with somebody from Mr. Maye's office after the
5 flight?

6 A Like once.

7 Q Just once?

8 A Uh-huh.

9 Q What about this week?

10 A Once -- oh, no, twice, because I
11 talked to her today.

12 Q Okay. And when you say "her," who is
13 that?

14 A I guess she's a paralegal or a
15 receptionist. I don't know.

16 Q Did she identify herself?

17 A I don't remember her name.

18 Q Okay. But did she say what role she
19 plays for Mr. Maye's office?

20 A I believe she said she was a
21 paralegal or -- but, again, I don't know. She
22 might have just been a receptionist.

23 Q Okay. Previously, when you talked
24 with somebody from his office, do you know
25 whether that was the same paralegal?

1 A I don't know.

2 Q You don't know?

3 A That was years ago.

4 Q Oh, I'm sorry, what?

5 A That was years ago, so I don't know
6 if that's the same person.

7 Q Well, the flight was years ago too,
8 wasn't it?

9 A Right. That's why I don't recall a
10 lot of stuff.

11 Q Okay. The person that you talked to
12 years ago, did you talk to that person in person
13 or on the telephone?

14 A On the phone.

15 Q All right. Now, you talked about an
16 observation of the father exiting the airplane,
17 but I think you testified that they held him back
18 until everybody else had exited, right?

19 A Right.

20 Q Okay. So everybody else would
21 include yourself, wouldn't it?

22 A Right.

23 Q So you had already exited the plane
24 before the father did, right?

25 A Correct.

1 Q Okay. So when you testified that he
2 did or didn't certain things at the time he
3 exited, you weren't there when he exited, were
4 you?

5 A Like what?

6 Q Like your testimony.

7 A No, like what kind -- what kind of
8 things did I say he did when he exited?

9 Q You said you didn't hear certain
10 things between the flight attendant and
11 Mr. DelVecchia when he exited the plane, but you
12 were already off the plane at that point weren't
13 you?

14 A Yes. I didn't hear anything.

15 Q Okay. So that's what you mean by you
16 didn't hear anything.

17 All right. Hang on just a second.
18 Let me see if I have anything else.

19 So when you saw the father
20 afterwards, you said that he had taken a magazine
21 and he -- he looked weird, I guess, was your
22 word, right?

23 A He was acting weird. He looked
24 nervous.

25 Q Okay. Now, could he have been in

1 pain?

2 A No. I didn't --

3 Q He could not have been in pain?

4 A It didn't look like pain. It looked
5 like nervousness.

6 Q Do you know what people look like
7 when they're in pain?

8 A I never seen him do this
9 (indicating), I never seen nobody hit him in the
10 back of his head. Again, he was like looking
11 around nervously. I never seen nobody do that
12 when they're in pain. He wasn't looking like in
13 pain. He looked -- he was nervous. He -- again,
14 he took a little pill. I thought maybe he was
15 committing suicide.

16 Q Are you being funny?

17 A No. I thought he was taking a pill
18 because he got caught doing something. I'm being
19 serious.

20 Q So you're of the opinion that he got
21 caught doing something, and you thought he was
22 maybe taking a cyanide pill like a -- like a --

23 A Yeah.

24 Q -- Nazi war criminal?

25 A Yeah.

1 Q Is that your thought here?

2 A Yeah.

3 Q Why have you reached that kind of
4 thinking?

5 A Because he -- because, again, he was
6 acting nervous. He was --

7 Q So --

8 A -- acting nervous.

9 Q -- if you see a person acting
10 nervous, then, in your mind, that person is a
11 criminal?

12 A No. But it could be, you know, they
13 did something wrong.

14 Q Are you trained in -- in criminology
15 or police actions?

16 A Not at all.

17 Q Okay. So -- so you want us to
18 believe that if you see someone fidgety or
19 nervous, that they're probably a criminal?

20 A No. I never said that.

21 Q Well, you said that you seriously
22 thought that he was taking a cyanide pill like a
23 Nazi war criminal to -- to commit suicide.

24 MR. MAYE: Object to form.

25 THE WITNESS: I didn't say like a

1 Nazi war criminal. I don't -- no, I didn't say
2 that. I said that he was taking a pill, and I
3 thought that he was committing suicide. That is
4 what I said on the plane, and I was like, you
5 know, freaked out. So I had to stay up the whole
6 time, trying to monitor what he was doing,
7 because he kept moving around, fidgety, looking
8 around.

9 But now you're saying that's his son,
10 then maybe that was why, but, again, he was being
11 weird. He ripped the address off of a magazine,
12 which is weird. Why would you do that? So --
13 and then, you know, yeah. So the circumstances,
14 he's coming from North Carolina, going all the
15 way to Vegas and then they took the little boy,
16 so we're just -- a theory. We're on the plane.

17 BY MR. MCKAY:

18 Q Are you this suspicious of everybody
19 you observe on a plane?

20 A Yeah.

21 Q Did you call the call button to -- I
22 mean, in your testimony, there's a -- there's a
23 man you're observing possibly committing suicide.

24 Did you call the -- the call button?

25 A No.

1 Q Why not?

2 A Why would I call a call button? They
3 already had him monitored. They were already on
4 the situation.

5 Q They're already monitoring him, you
6 say?

7 A Yeah. And they already talked to
8 him. They're -- they know where he is. If they
9 wanted to check on him to see if he was still
10 alive, they could have. That's not my job.

11 Q If he had died, would that have --
12 would have made any difference to you?

13 A Then I would he have called someone,
14 like, "Hey, something's wrong with him."

15 Q Well, he's dead at that point.

16 A Yeah.

17 Q Well, you didn't want to save his
18 life?

19 A What do you mean?

20 Q Well, you said you thought he was
21 committing suicide.

22 Didn't you want to save his life?

23 A And I looked at him, and he was fine.
24 He was still alive. He didn't die. If he would
25 have died, of course I would have said, boom, "I

1 seen him take a pill, and now he's dead."

2 Q Well, that's not very helpful to him,
3 is it?

4 A Well, I guess it would be. I don't
5 know.

6 Q Why don't you like him?

7 A I do. I don't know him. I don't --

8 Q Why do you -- why do you want him to
9 die?

10 MR. MAYE: Oh, object to -- object to
11 form.

12 THE WITNESS: Wow. I never said I
13 wanted him to die.

14 MR. MAYE: That's -- that's
15 ridiculous, John.

16 BY MR. MCKAY:

17 Q You said that you would only call for
18 help if he was --

19 A No, no, no. I would have called and
20 alerted them that he took a pill and now he's
21 dead.

22 Q But you didn't alert them that he
23 took a pill.

24 A Yeah. Because I don't know what pill
25 he took.

1 Q Right. It could have been an
2 aspirin, right?

3 A Exactly. That's what I said.

4 Q Do people in pain take aspirin?

5 A Yeah. Yeah.

6 Q Okay. So maybe --

7 A It could have been a Xanax, because
8 he was nervous, he needed to calm his nerves.

9 Q You know, you seem to keep going back
10 to that. You seem to want him to be a criminal.

11 A Nervous --

12 MR. MAYE: Object to form.

13 BY MR. McKAY:

14 Q Why do you want --

15 A No, sir. I never said he was a
16 criminal. I said he was nervous. When you're
17 nervous, that doesn't make you a criminal.

18 Q No, I agree.

19 A I'm nervous and I -- I have anxiety.
20 That doesn't make me a criminal. So if you're
21 nervous, you would take something for nerves.

22 Q If I came into your house right now
23 and took your child and left, would you be
24 nervous?

25 MR. MAYE: Object to form.

1 THE WITNESS: I would be upset.

2 BY MR. McKAY:

3 Q You'd be upset?

4 A Yeah. I wouldn't be nervous. I
5 wouldn't be fidgeting around. I would be going
6 to do something about it.

7 Q You don't think somebody observing
8 you being upset might think that you were
9 nervous?

10 A No.

11 Q Why?

12 A Because I wouldn't act nervous. I
13 wouldn't be like looking around and being
14 nervous. Like I would be doing something about
15 getting my child back.

16 Q Well, if you didn't know why your
17 child was taken or where they had been taken,
18 wouldn't you be looking around?

19 A Yeah, not -- not the way he was
20 looking around. He wasn't looking around like
21 where my child is. He knew where the child was
22 at. Everybody knew where the child was.

23 He was like nervous. You know when
24 someone's nervous. You know when someone's --

25 Q It seems like you have made a

1 judgment about him.

2 A No.

3 Q Did you know that?

4 A No. I didn't make a judgment about
5 him; I made an observation.

6 Q Well, it seems like you have taken
7 your observation and decided that he had done
8 something wrong, and I am wondering why that is.

9 A No.

10 MR. MAYE: Object to form.

11 BY MR. McKAY:

12 Q Do you think because the flight
13 attendant took the child, the flight attendant
14 must have been doing the right thing?

15 A I don't know.

16 Q You don't know, so --

17 A No.

18 Q -- it could have been -- it could
19 have been a mistake, couldn't it?

20 A Correct.

21 Q It could have been a bad decision by
22 the flight attendant, couldn't it?

23 A I don't know.

24 Q You don't know, so it could have
25 been, right?

1 MR. MAYE: Object to form.

2 BY MR. McKAY:

3 Q If Mr. DelVecchia had been black,
4 would you have thought that there was anything
5 different or unusual about him walking in with
6 his black son?

7 MR. MAYE: Object to form.

8 THE WITNESS: I don't know. If they
9 didn't look alike.

10 BY MR. McKAY:

11 Q If they didn't look alike?

12 A Yeah.

13 Q So you would have judged whether they
14 were unusual by whether they had the same family
15 characteristics?

16 A Yep.

17 Q Did you think they didn't look like a
18 family?

19 A Nope.

20 Q I am sorry, yes or no?

21 A No.

22 Q You -- well, let's be clear on that.
23 You thought they didn't look like a
24 family?

25 A No.

1 Q Okay. Did you think they looked like
2 a family?

3 A I'm confused what you're asking me
4 because I said --

5 Q And I'm confused by your answer, so
6 that's why I'm trying to clarify.

7 Did you think that Peter and the
8 child looked like a family?

9 A No.

10 Q Okay. And is your observation of
11 them affected by that thought?

12 A That they didn't look like a family?

13 Q Yeah.

14 A No.

15 Q Well, did you think something was
16 going on that was improper because they didn't
17 look like a family?

18 A No. I thought something was going on
19 because they removed the little boy from the
20 man --

21 Q Okay.

22 A -- so --

23 Q And that gets back to the conclusion
24 that if they were removing him, he must have done
25 something wrong or somebody must have done

1 something wrong, right?

2 A Right.

3 Q So when you see videos of police
4 drawing their guns on somebody who they've
5 stopped in a car, do you think in those
6 situations that the person in the car has always
7 done something wrong?

8 MR. McKAY: Object to form.

9 THE WITNESS: Say that again. Can
10 you say that again?

11 BY MR. McKAY:

12 Q Well, if the police pull over a car,
13 then the driver of the car must have done
14 something wrong, is that what you think?

15 MR. MAYE: Object to form.

16 THE WITNESS: They're getting pulled
17 over? Yeah.

18 BY MR. McKAY:

19 Q Yeah, yeah. Okay. So then if the
20 police draw their guns on the person in the car,
21 then that must be appropriate, because the person
22 had been doing something wrong when they got
23 pulled over?

24 A The police pull their gun out on
25 anybody.

1 Q Do you think that's appropriate?

2 A Not if the police.

3 Q I'm sorry?

4 A Not if the police. No. I don't
5 think that's appropriate.

6 Q It's not appropriate for the police
7 to do that, right?

8 A To pull out -- pull out their guns on
9 everyone, no.

10 Q Especially if -- if everyone, what
11 you're referring to, are people of color, right?

12 A No, on anybody.

13 Q Anybody. But people of color get --
14 get into trouble with the police a lot and it
15 gets on video, right?

16 MR. MAYE: Object to form.

17 BY MR. MCKAY:

18 Q You don't think so?

19 A I see police videos of everyone, of
20 all colors.

21 Q Well, did you observe the events the
22 last couple of years, the -- the Black Lives
23 Matter parades and -- and demonstrations?

24 Did you observe those?

25 A Not really.

1 Q So you don't know that they occurred?

2 A The Black Lives Matter? I know about
3 the movement, but I don't watch videos and all
4 that.

5 Q You didn't see any news about any
6 kind of demonstrations in the street concerning
7 Black Lives Matter?

8 A Again, I don't really follow that.

9 Q You don't watch the news?

10 A Not really. It's depressing.

11 Q Gotcha. Okay.

12 All right. Well, I think that is all
13 I have.

14 Thank you very much, Ms. Hayes.

15 A Awesome. Thank you.

16 MR. MAYE: I have no questions.

17 THE VIDEOGRAPHER: Off the record,
18 and the time is 10:13 (sic).

19

20 (Deposition concluded at 11:13 a.m.)

21

22

23

24

25

1 DEPOSITION ERRATA SHEET

2

3 Job Number: 866903

4 Case Caption: PETER DELVECCHIA, et al.,
vs. FRONTIER AIRLINES, INC.,
5 et al.

6 Deponent: BRIANNA HAYES

7 Deposition Date: AUGUST 31, 2022

8

9 DECLARATION UNDER PENALTY OF PERJURY

10 I declare under penalty of perjury
11 that I have read the entire transcript of my
12 deposition taken in the above captioned matter or
13 the same has been read to me and the same is true
14 and accurate, save and except for changes and/or
15 corrections, if any, as indicated by me on the
16 DEPOSITION ERRATA SHEET hereof, with the
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20 Signed on the ____ day of _____,
21 20____,

22

23

24 _____
BRIANNA HAYES

25

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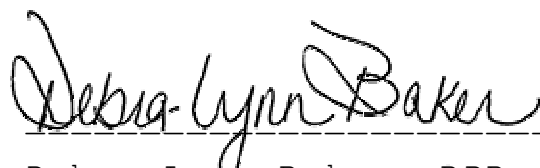
1 COMMONWEALTH OF VIRGINIA,
2 CITY OF VIRGINIA BEACH, to wit:

3 I, Debra-Lynn Baker, RPR, CSR, a Notary
4 Public for the Commonwealth of Virginia at large,
5 do hereby certify that the foregoing proceedings
6 were taken before me at the time and place herein
7 set forth; that a verbatim record of the
8 proceedings was made by me using machine
9 shorthand which was thereafter transcribed under
10 my direction; further, that the foregoing is an
11 accurate transcription thereof; further, before
12 completion of the proceedings, review of the
13 transcript was requested.

14 I further certify that I am not related
15 to nor otherwise associated with any counsel or
16 party to this proceeding, nor otherwise
17 interested in the outcome thereof.

18 Given under my hand this 14th day of
19 September, 2022.



20 

21 Debra-Lynn Baker, RPR, CSR
22 Notary Public for the
23 Commonwealth of Virginia at
24 Large

24 My commission expires: March 31, 2025
25 Notary Registration No.: 303065

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